

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION  
NO. 04-12699-RWZ

THE PETITION OF K&R FISHING  
ENTERPRISES, INC., FOR EXONERATION  
FROM OR LIMITATION OF LIABILITY,  
CIVIL AND MARITIME

PETITIONER'S MOTION FOR ORDER APPROVING  
APPRAISER'S REPORT OF VALUE, DIRECTING  
ISSUANCE OF NOTICE, AND RESTRAINING SUITS

Now comes the Petitioner, in the above entitled action, by its counsel, and respectfully moves this Honorable Court for an Order approving the Appraiser's Report of Value, directing issuance of Notice to Claimants, and restraining all actions outside the proceedings herein.

The Petitioner submits the foregoing pursuant to Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims and according to local practice before the United States District Court for the District of Massachusetts.

**WHEREFORE**, the Petitioner prays that its motion be allowed and that the Order issue forthwith.

By its attorney,

**CLINTON & MUZYKA, P.C.**

By: "/s/ Thomas J. Muzyka"

**Thomas J. Muzyka**

**BBO NO.: 365540**

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Dated: February 15, 2005

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ORDER APPROVING APPRAISER'S REPORT OF VALUE,  
DIRECTING ISSUANCE OF NOTICE AND RESTRAINING SUITS

A Petition having been filed herein on January 28, 2005 by the above named Petitioner as owner of the fishing vessel **NORTHERN EDGE**, for exoneration from and/or limitation of liability, pursuant to Sections 4283 through 4289 inclusive of the Revised Statutes of the United States and Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure for any loss, damage, injury or destruction caused by or resulting from the loss of the **F/V NORTHERN EDGE** during the voyage of the **F/V NORHTERN EDGE** which commenced on December 16, 2004 at New Bedford, Massachusetts and terminated upon the vessel's loss at sea on December 20, 2004, as more fully described in the Petition.

AND the Petition having stated that the value of petitioner's interest in the said fishing vessel **NORTHERN EDGE** and its pending freight at the end of such voyage is a total loss with no freights pending at the time of the loss of the vessel or no value, exclusive of fishing permit(s), as

set forth in the Appraiser's Report of David C. DuBois sworn to,

Now on motion of Clinton & Muzyka, P.C., Attorneys for the Petitioner, it is hereby

**ORDERED**, as follows:

1. The above-described Appraiser's Report of Value, describing the **F/V NORTHERN EDGE** as a total loss with no value and having no pending freights with no value, exclusive of fishing permit(s) be and is hereby approved.

2. A Notice shall be issued by the Clerk of this Court to all persons asserting claims with respect to which the Petition seeks limitation admonishing them to file their respective claims with the Clerk of this Court in writing, and serve on the attorneys for the Petitioner a copy thereof on or before the 1<sup>st</sup>. day of April, 2005 or be defaulted, and that if any claimant desires to contest either the right to exoneration from or the right to limitation of liability, he/she shall file and serve on attorneys for the Petitioner an answer to the Petition so designated, or be defaulted.

3. The aforesaid Notice shall be published in as provided by Rule F(4) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure and copies of said notice shall be mailed in accordance with the said Rule F(4).

4. The further prosecution of any and all actions, suits, and proceedings already commenced and the commencement of prosecution thereafter of any and all suits, actions, or

proceedings, of any nature and description whatsoever in any jurisdiction and the taking of any steps and the making of any motion in such actions, suits, or proceedings against the Petitioner, as aforesaid, or against the Fishing Vessel **NORTHERN EDGE** or against any property of the Petitioner except in this action, to recover damages for or in respect of any loss, damage, injury or destruction caused by or resulting from the aforesaid loss, occasioned or incurred on the voyage of the fishing vessel **NORTHERN EDGE** as alleged in the Petition are hereby stayed and restrained until the hearing and determination of this proceeding.

5. Service of this Order as a restraining order may be made through the Post Office by mailing a conformed copy thereof to the person or persons to be restrained or to the respective attorneys or alternatively by hand.

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U.S.D.J.

Dated at Boston, Massachusetts  
this \_\_\_\_ day of February, 2005